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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 THERESA BROOKE,

12 Plaintiff,

13 v.

14 BRE SELECT HOTELS PROPERTIES LLC,

15 Defendant.
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Case No.: 1:20-cv-00105 NONE JLT

ORDER TO THE PLAINTIFF TO SHOW CASE
WHY SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILURE TO PROSECUTE THIS ACTION
AND TO COMPLY WITH COURT ORDERS

17 On January 21, 2019, the plaintiff initiated this action related to alleged violations of the
18 Americans with Disabilities Act and other claims. (Doc. 1) The Court issued the summons the same
19 day (Doc. 2) and its order setting the mandatory scheduling conference to occur on April 15, 2020
20 (Doc. 3). The order reads,

21 The Court is unable to conduct a scheduling conference until defendants have been
22 served with the summons and complaint. Accordingly, plaintiff(s) shall diligently
23 pursue service of summons and complaint and dismiss those defendants against whom
24 plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of
25 the summons and complaint so the Court has a record of service. Counsel are referred
26 to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint
27 Failure to timely serve the summons and complaint may result in the imposition of
28 sanctions, including the dismissal of unserved defendants.

(Doc. 3 at 1) Nevertheless, the plaintiff has failed to file proofs of service and the defendant has not
appeared. Therefore, the Court ORDERS,

1. **No later than April 3, 2020**, the plaintiff **SHALL** show cause why sanctions, up to
and including dismissal should not be imposed for the failure to prosecute this action and comply with

1 the Court's orders. Alternatively, he may file proof of service.

2 The plaintiff is advised that the failure to comply will result in sanctions as set forth above.

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4 IT IS SO ORDERED.

5 Dated: March 25, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE